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2173

September 4, 2002

Commissioner of Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

RECEIVED

SEP 12 2002

Technology Center 2100

Re: *Patent Application - 09986765 User Interface*

To Whom It May Concern:

I write this letter concerning the above-referenced patent application. In that regard, enclosed please find a copy of a lawsuit which I have filed and which, among other things, seeks a judicial declaration that I am the inventor of the system listed under this application.

The enclosed lawsuit states my position concerning the patent application for the User Interface. Please contact me if you desire additional information regarding this matter.

Very truly yours,

Miles Colcock
126 Creekside Drive
Florence, AL 35630



COPY OF PAPERS
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IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

MILES COLCOCK *

Plaintiff, *

v. *

CASE NO. CW02-604

JOSEPH M. LEAVITT, PO Box 18946, *
Huntsville, AL 35804; **CHANGE TOOLS,** *
INC., f/k/a CUSPIS, INC., PO Box 18946, *
Huntsville, AL 35804; **FRED ORDWAY,** *
3425 Lookout Drive, Huntsville, AL 35801; *
A and B, the person, firm, partnership or *
corporation which committed the breach of *
contract, fraud and committed the other *
tortious conduct referred to in the complaint; *
C and D, the person, firm, corporation or *
partnership which caused the plaintiff to *
suffer the damages referred to in the *
Complaint, all of whose names are *
otherwise unknown but will be added by *
amendment when ascertained, *

Defendants. *

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FILED IN OFFICE
AUG 19 2002
Kenneth C. Anderson

COMPLAINT

COUNT I

1. Several years prior to March 23, 1998, the plaintiff, developed and invented a software computer device which he called the "BullsEye Interface System," hereafter referred to as "BullsEye," or "invention."

2. On March 23, 1998, the plaintiff and defendant Joseph M. Leavitt, hereafter referred to as "defendant" or "Leavitt," entered into an agreement for the purpose of developing and/or sale of the invention. A copy of said agreement is attached to this Complaint and referred to herein as Exhibit "A."

3. On September 24, 1999, the plaintiff and Leavitt each executed separate patent and copyright assignments. A copy of the Patent Assignment bearing the plaintiff's signature is attached to this Complaint and identified herein as Exhibit "B." A copy of the Copyright Assignment bearing the plaintiff's signature is attached hereto and identified herein as Exhibit "C."

4. In order to induce the plaintiff to execute the assignments, Leavitt represented, promised and stated to the plaintiff the assignments were only a "technical tool" recommended by the attorneys to transfer his interest in the invention to BullsEye, Inc.; that the percentage and the amount of stock ownership specified in the assignment were "immaterial" because he and the plaintiff owned all of the shares of stock of BullsEye, Inc.; and that he and the plaintiff each owned fifty percent (50%) of the shares of stock of BullsEye, Inc.

5. Prior to the execution of the aforesaid assignments, the defendant Leavitt, without the plaintiff's knowledge, had on August 23, 1999, formed a Nevada Corporation known as BullsEye, Inc. with the defendant Fred Ordway, hereafter referred to as "defendant" or "Ordway." A copy of the Articles of Incorporation of BullsEye, Inc., is attached to this Complaint and referred to herein as Exhibit "D." A copy of the Stock Register of BullsEye, Inc., listing the defendant Leavitt as the owner of seven thousand one hundred and twenty five (7,125) shares of stock, is attached to the Complaint and identified as Exhibit "E."

6. Copies of the Patent and Copyright Assignments executed by Leavitt are attached to the Complaint and identified separately as Exhibits "F" and "G."

7. Leavitt and Ordway, sometime prior to March, 2000, formed a Delaware Corporation known as e-Bullseye, Inc., and did on April 1, 2001, assign to eBullseye, Inc., all interest in the invention.

8. On May we, 2000, Leavitt and Ordway changed the name of E-Bullseye, Inc., to the new corporate name of Cuspis, Inc. The defendants Leavitt and Ordway subsequently changed the name of the corporation from Cuspis, Inc. to the present name of Change Tools, Inc.

9. The plaintiff did not discover the falsity of Leavitt's representations until sometime after November 13, 2000. At that time, the plaintiff saw a prospectus for Cuspis, Inc. which had been provided to the plaintiff's brother. According to the prospectus, Leavitt owned five million one hundred thousand (5,100,000) shares and Ordway owned one million four hundred and fifty thousand (1,450,000) shares of Cuspis, Inc. stock. The plaintiff, according to the prospectus, owns two hundred and fifty thousand (250,000) shares. According to the prospectus, the total number of shares issued by Cuspis, Inc. was eight million eight hundred thirty thousand (8,830,000) shares.

10. Plaintiff, in reliance on Leavitt's representations and believing them to be true, entered into the patent and copyright assignment agreements and gave up his rights in the invention..

11. Defendant Leavitt made the representations described above with the intent and for the purpose of inducing plaintiff to enter into the assignments referred to above.

12. The representations described above were false when Leavitt made them, and Leavitt knew they were false; and Leavitt, without knowledge of the true facts,

recklessly made the false representations described above; and said false representations were made by mistake but with the intention that plaintiff should rely upon them.

WHEREFORE, plaintiff requests the Court enter a judgment:

- A. Rescinding and setting aside the Patent Assignment dated September 24, 1999;
- B. Rescinding and setting aside the Copyright Assignment dated September 24, 1999;
- C. Awarding plaintiff the costs of this action, including attorney fees; and
- D. Awarding plaintiff any other and further relief that the Court considers just and proper.

COUNT II

13. Plaintiff incorporates by reference the allegations of Count I in support of Count II.

14. As a result of Leavitt's misrepresentations, plaintiff has incurred actual damages.

WHEREFORE, plaintiff demands judgment against defendant Leavitt as to Count II for a fair and reasonable amount of compensatory damages, punitive damages and costs.

COUNT III

15. Plaintiff incorporates the allegations of Count I in support of Count III.

16. Plaintiff avers that prior to September 24, 1999, the defendants Leavitt and Ordway schemed, planned, designed and conspired to fraudulently represent to the plaintiff that he had equal and exclusive ownership of the stock of BullsEye, Inc. and the BullsEye patent with Leavitt in order to cause the plaintiff to give up his rights and title to the invention.

17. The plaintiff was thereby induced to execute the patent and copyright assignments referred to in the Complaint.

18. Said representations were false and made with the intent the plaintiff should rely on them.

WHEREFORE, plaintiff demands judgment against defendant Leavitt and Ordway as to Count III for compensatory and punitive damages, and costs.

COUNT IV

19. Plaintiff avers that he and Leavitt entered into an agreement by which they owned equal rights to the BullsEye Interface System and, further, each owned equal shares of stock in the corporation known as BullsEye, Inc.

20. Defendant Leavitt has breached said agreement as described above.

WHEREFORE, plaintiff demands judgment against Leavitt as to Count IV for a fair and reasonable amount of compensatory damages and cost.

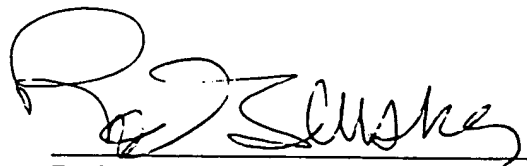
COUNT V

21. Plaintiff adopts and realleges the allegations of Count I

23. There exists an actual controversy between the plaintiff and the defendant Change Tools, Inc., hereafter referred to as "Change Tools" or "defendant," on which substantial property rights depend. The plaintiff takes the position that he has an interest as the inventor of a computer program known as "Zenu" which the plaintiff alleges is the name adopted by the defendant Change Tools for the BullsEye Interface System which he invented. Change Tools takes the position that the plaintiff does not have an interest in the Zenu software system and has filed an application to patent the Zenu product in its name.

23. There is an actual controversy between the parties regarding the Bullseye and Zenu software products pursuant to Rules 57 and 58, ARCP, and §§6-6-200 - 6-223, Code of Alabama, 1975.


Upon a final Hearing, the plaintiff requests the Court to enter a declaratory judgment that the Zenu product is substantially the computer software system which the plaintiff invented known as the BullsEye Interface System. The plaintiff also prays for such other and further relief, including general or different relief, to which he may be entitled.



Rodney B. Slusher (SLU001)
Attorney for Plaintiff
425 North Court Street
Florence, AL 35630
(256) 764-4011

JURY DEMAND

Plaintiff requests trial of this cause by struck jury.



Of Counsel

NOTE TO CLERK:

Plaintiff requests that service of process be effectuated upon the defendants Joseph M. Leavitt, Change Tools, Inc. and Fred Ordway by Certified Mail at the addresses listed in the style of the case.